

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

DAVID LEE POWELL,

Plaintiff,

v.

COOSA COUNTY JAIL, et al.,

Defendants.

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Civil Action No. 2:05-cv-0544-MHT-DRB

DEFENDANTS' MOTION FOR EXTENSION OF TIME

COME NOW the Coosa County Jail, the Coosa County Sheriff's Department¹, Ricky Owens, Sheriff of Coosa County, Alabama, Wendy Robinson, Jail Administrator of the Coosa County Jail, Corporal Al Bradley, Corporal Kay Taylor, Deputy Dewayne Harris and Deputy Steve Hay, Defendants in the above-styled cause, and move this Honorable Court for an extension of time in which to file their Special Report and Answer which are presently due on July 25, 2005. As grounds for said motion, Defendants state as follows:

1. On June 15, 2005, this Court entered an Order directing the Defendants to file a Special Report and Answer in the above-styled cause on or before July 25, 2005.

2. The gathering of information with which to formulate the Special Report and Answer has taken longer than expected. Counsel for Defendants has yet to meet with all the Defendants for the purpose of ascertaining the facts of the case and obtaining the documents located at the Coosa County Sheriff's Department relevant to Plaintiff's allegations. In addition,

¹ Although on June 15, 2005, Magistrate Judge Delores Boyd entered a Report and Recommendation that the Plaintiff's claims be dismissed against the Coosa County Jail and the Coosa County Sheriff's Department, to date, this Court has not entered an Order either adopting or rejecting this Report and Recommendation, therefore, out of an abundance of caution, said Defendants are listed herein.

it may be necessary to obtain additional documents relating to the Plaintiff's incarceration made the basis of his Complaint.

3. Defendants are in need of this additional time to fully respond to the Plaintiff's allegations.

4. Defendants have not previously requested an extension of time in this case.

5. Plaintiff will not be prejudiced by the requested extension.

WHEREFORE, PREMISES CONSIDERED Defendants respectfully request this Honorable Court grant their Motion for Extension of Time to file their Special Report and Answer up to and including August 15, 2005.

Respectfully submitted this 14th day of July, 2005.

s/Kelly Gallops Davidson

KELLY GALLOPS DAVIDSON Bar No. DAV123

Attorney for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on this the 14th day of July, 2005, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

David Lee Powell
Coosa County Jail
P.O. Box 279
Rockford, AL 35136

s/Kelly Gallops Davidson
OF COUNSEL